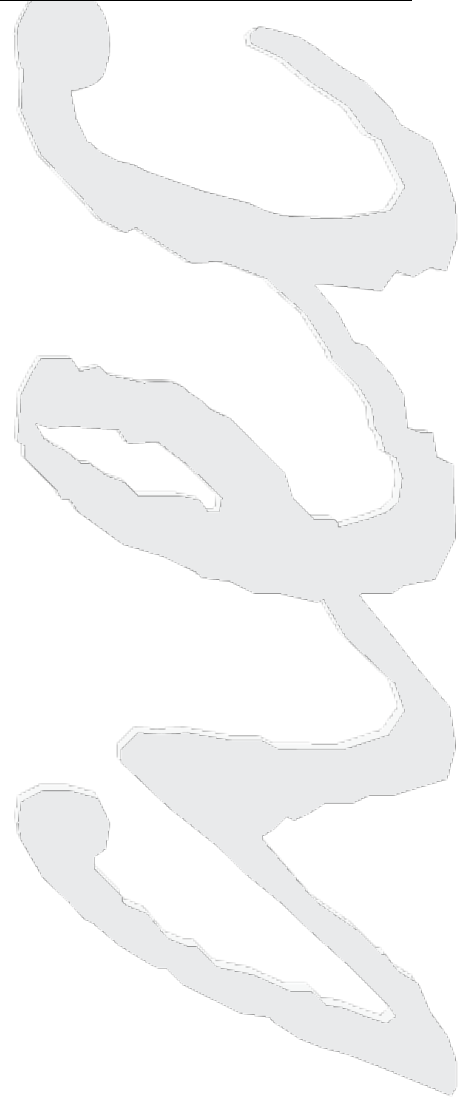


Reinforcement of the Implementation of the Right to Work Articles in Law 220/2000 (Rights of People with Disabilities)

TIL-EMP-2023

November 2023



Terms of Reference and Scope of the Services

Consultancy Title:	Legal Advisor
Duty station:	Beirut - Lebanon
Duration of assignment:	10 Months
Contract type:	Consultancy
Starting date:	December 15 th , 2023

1. arcenciel Overview

arcenciel was created in 1984, authorized in 1985 by the Lebanese Ministry of Interior, and recognized as a public utility in November 1995 (presidential decree n° 7541). arcenciel is an apolitical, non-confessional, and independent organization that works with and for all people in difficulty without discrimination of age, gender, religion, culture or nationality. Created during the Lebanese civil war to assist disabled persons, arcenciel has become one of the first technical aid producers in Lebanon, rehabilitating spaces for disabled persons, and developing a national program for better accessibility for them; which was later passed as a law in June 2000. Drawing on its success, arcenciel broadened its mission to “engage in the sustainable development of the society by supporting fragile groups and integrating marginalized people”. Since its creation, arcenciel has provided around 37 million services to more than 400,000 beneficiaries. arcenciel also treats 85% of Lebanon’s hospital waste and 915 tons of solid wastes a year; and manages the 2 km² Jesuit “Domaine de Taanayel” through which it promotes sustainable agriculture and responsible tourism through its eco-touristic activities.

All activities arcenciel implement have a social and environmental purpose and seek economic viability, all which ensure their sustainability. Our objective is to promote sustainable development through three main axes: Social: care of persons in need, Environmental: the preservation of natural resources and Economic: the cost-efficiency and financial autonomy. arcenciel has always adopted a tripod strategy based of: Community Work: allowing the assessment of community needs, using their available resources; Service-Providing Institutions: across Lebanon offering specialized services and working with and for the beneficiaries; and Public Program: guaranteeing a legal structure and stabilizing the two other pillars.

arcenciel currently runs nine programs: 1- Agriculture, 2-Environment; 3- Mobility, 4-Health; 5- Responsible Tourism, 6- Culture and heritage; 7- Social Support; 8-Youth Empowerment, and 9- Employment, in 11 centers distributed across all Lebanese regions (Greater Beirut, Beqaa, Mount-Lebanon, North, and South Lebanon). Besides these centers, arcenciel has running offices in France and the USA.

arcenciel is ISO 9001:2015 certified for management of projects since July 2018.

2. Project Background

This project aims to reinforce law 220/2000 after 23 years of incomplete implementation especially with respect to the employment of people with disabilities.

According to the UNDP, people with disabilities in Lebanon represent between 10 and 15% of the total population of 4 million, totaling approximately half a million people. UNESCO affirms that 80% of people with disabilities are unemployed or have never worked. This figure has definitely increased with the current economic, political and social crises. There’s a need to update data on the employment inclusion of people with disabilities to raise awareness, and facilitate the identification of candidates with suitable skills to meet market demand.

Ever since its voting through the Lebanese Parliament in 2000, the law 220/2000 remained up to the discretion of specific ministries to propose decrees of application to enforce its implementation. The ministry of Interior proposed a couple of tax deductions (car registration and municipal residence tax removal) and the ministry of social affairs supplies technical mobility aids (wheelchairs...) specialized education and some training schemes. The ministry of employment lagged behind, especially with the employment office for people with disabilities. Law 220/2000 article 74 (a and b) state that any

private sector company depending on its workforce size, has to employ a certain percentage of people with disabilities, under penalty of fine. Article 74(d) provides for the exemption of hiring after contacting the Ministry and their expression of the inability to find a suitable candidate within 3 months. This widespread practice leads to minimal efforts from the recruiting side. Furthermore, no mechanism of tax collection was established from enterprises refusing to recruit according to the specified quota. In summary, no incentive proposed and no deterrent enforced.

This project will look at several aspects of the law reinforcement that would facilitate the access for people with disabilities to the job market and help in a better inclusion in the work place. We will examine three main components of the project with their respective actions. The first is the empowerment of “Leaders of Inclusion” through training and coaching to advocate for the rights of people with disabilities, especially in employment within public and private settings. The second component is the consultation process in the form of a number of roundtables and workshops with different stakeholders to support this action. Finally, the process of drafting a policy reform looking at improvements and implementation mechanisms within the law 220/2000.

3. Consultancy Description

As part of the project, arcenciel aims to draft a policy reform paper to be presented at the end of the project to designated ministries. The policy reform paper will tackle Section 8 in Law 220/2000 on the right to work, employment and social services.

A participatory approach will guide the policy reform paper to be presented at the end of the project. An invitation will be sent to stakeholders including 3RF social protection working group, organizations of people with disabilities, and other members specialized in the disability inclusion field. A draft of the policy will be prepared and ultimately circulated to the round tables groups. All discussions and resolutions happening during the workshops will be taken into consideration for final validation of the policy.

arcenciel, specifically the employment program, is seeking the expertise of a qualified Legal Advisor to contribute to the development of a comprehensive policy addressing the right to work for individuals with disabilities in Lebanon. This initiative is aligned with the commitment to promote equal opportunities, disability inclusion and non-discrimination practices in the workplace.

Throughout the period of the consultancy, the Legal Advisor will collaborate with the employment program at arcenciel in addition to other stakeholders working on the project.

4. Objectives and Scope of Work

The objective of this consultancy is mainly to draft a policy reform paper tackling Section 8 in Law 220/2000 on the right to work, employment and social services.

The Legal Advisor will engage in consultations with relevant stakeholders, formulate a draft policy, present it in roundtable discussions, and incorporate feedback for the final submission to the designated ministries.

The legal advisor scope of work is as follow:

1. Stakeholder Consultations
 - a. Engage with stakeholders, including 3RF social protection working group, organizations of people with disabilities (OPDs), government representatives, non-governmental organizations, advocacy groups, employers, and individuals with disabilities, ...
 - b. Conduct meetings and consultations to gather insights, concerns, and recommendations related to the right to work for people with disabilities.
2. Policy Drafting
 - a. Conduct a review of existing policies and laws (national and international) related to the right to work for people with disabilities.
 - b. Identify best practices from other countries that could help in the development of the reform policy.
 - c. Develop a comprehensive policy draft that outlines measures to promote equal opportunities, accessibility, and accommodation for individuals with disabilities in the workplace, in alliance with the United Nations' Convention on the Rights of People with Disabilities (UN-CRPD).
 - d. Ensure the policy aligns with Lebanon's legal system, the United Nations' Convention on the Rights of People with Disabilities (UN-CRPD), and international best practices.
3. Roundtable Presentations
 - a. Present the draft reform policy in the roundtable discussions to different stakeholders and solicit their feedback.
 - b. Revise the draft policy based on the feedback received.
4. Final Policy Submission:
 - a. Prepare a comprehensive report outlining the rationale behind policy decisions and addressing stakeholder input.
 - b. Submit the final policy document to the designated ministries for official consideration.

5. Deliverables

The expected deliverables of the project are as follow:

1. Report on the rationale behind addressing specific articles in law 220/2000 and to be represented in the reform policy.
2. Minutes of Meeting for every consulted stakeholder.
3. PowerPoint Presentation and document of the drafted reform policy.
4. Finalized document of the reform policy.
5. Report outlining the rationale behind policy decisions and addressing stakeholder input.

All deliverables should be in accessible format. Templates of accessible documents can be provided by arcenciel.

6. Timeline and Location of the Consultancy

The total duration of the consultancy is over a period of 10 months.

The total number of round tables is 4 (around 1 to 2 hours each).

The location of the consultancy is within Beirut and the suburbs, which will be confirmed at a later stage.

7. Qualifications

1. Degree in law.
2. Minimum 5 years of professional experience relevant to the scope of work.
3. Expertise in human rights, right of people with disabilities, employment law.
4. Previous experience in drafting policies and procedures.
5. Previous experience in submission policies to ministries.
6. Previous experience working with non-governmental organizations.
7. Previous experience working with people with disabilities.
8. Strong local knowledge and comprehensive understanding around disability programs.
9. Excellent communication and presentation skills.
10. Professional working knowledge of Arabic and English is compulsory.
11. Ability to conduct the required activities virtually in case needed, and keeping up with technological advancement.
12. Ability to work in a participatory approach with a certain flexibility.
13. Ability to work in different cultures and with diverse people.
14. Professional commitment.
15. Having integrity, respect, and responsibility.
16. Being down to earth, empathetic and positive.
17. High level of creativity and innovation.
18. Influential personality.
19. Negotiation skills.